



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 02-2298

RELEASED:

September 17, 2002

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON PETITION OF  
MCIMETRO ACCESS TRANSMISSION SERVICES LLC FOR PREEMPTION OF THE  
JURISDICTION OF THE NEW YORK PUBLIC SERVICE COMMISSION PURSUANT  
TO SECTION 252(e)(5) OF THE COMMUNICATIONS ACT**

**WC DOCKET NO. 02-283**

**Comments Due: October 2, 2002**  
**Reply Comments Due: October 9, 2002**

On September 6, 2002, MCImetro Access Transmission Services LLC (MCImetro) filed a petition, pursuant to section 252(e)(5) of the Communications Act of 1934, as amended (the Act) and section 51.803 of the Commission's rules.<sup>1</sup> In the petition, MCImetro requests that the Commission (1) preempt the jurisdiction of the New York Public Service Commission in an interconnection dispute between MCImetro and New York Telephone Company, d/b/a Bell Atlantic-New York (Verizon) regarding reciprocal compensation; and (2) institute a proceeding to interpret and enforce the agreement. MCImetro requests expedited treatment of its preemption petition.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

## **FILING PROCEDURES**

Interested parties may file comments on the Petition on or before **October 2, 2002** and reply comments on or before **October 9, 2002**. Parties who choose to file by paper must file an original plus five (5) copies addressed to Marlene H. Dortch, Secretary, Federal Communications

<sup>1</sup> See 47 U.S.C. § 252(e)(5); 47 C.F.R. § 51.803.

Commission, 445 12<sup>th</sup> Street, SW, Room TW-B204, Washington, DC 20554. A courtesy copy should be addressed to Chief, Pricing Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, SW, Room 5-A225, Washington, DC 20554. A courtesy copy should also be addressed to Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

Comments may be filed using the Commission's Electronic Comment Filing System ("ECFS") or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to: [<http://www.fcc.gov/e-file/ecfs.html>](http://www.fcc.gov/e-file/ecfs.html). In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the docket number of this proceeding. Only one copy of an electronic submission must be filed. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form<your e-mail address>." A sample form and directions will be sent in reply.

Paper copies can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail:

**If you are sending this type of document or using this delivery method --** Hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to: Vistrionix, Inc., 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (8:00 a.m. to 7:00 p.m.). All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

**If you are sending this type of document or using this delivery method --** Other messenger-delivered documents, including documents sent by commercial overnight mail (other than United States Postal Service Express Mail and Priority Mail) must be sent to: 9300 East Hampton Drive, Capitol Heights, MD 20743 (8:00 a.m. to 5:30 p.m.).

**If you are sending this type of document or using this delivery method --** U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be sent to: 445 12<sup>th</sup> Street, SW, Room TW-B204, Washington, DC 20554.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

For further information regarding this proceeding contact Margaret Dailey, [mndailey@fcc.gov](mailto:mndailey@fcc.gov), Pricing Policy Division, Wireline Competition Bureau, (202) 418-2396.

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